IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

JUSTIN TERRELL GORDON,)	
#280546,)	
)	
Petitioner,)	
)	
V.) CASE NO. 2:22-CV-695-WKW-C	CSC
)	
KAREN CARTER, et al.,)	
)	
Respondents.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Justin Terrell Gordon, a state inmate at Easterling Correctional Facility in Clio, Alabama, initiated this action by filing a petition in which he seeks habeas corpus relief under 28 U.S.C. § 2254. Doc. 1. In his § 2254 petition, Gordon challenges his convictions entered in the Circuit Court of Choctaw County, Alabama, for escape first degree and theft of property second degree. *Id.* at 1. Gordon was sentenced to 20 years in prison for each conviction. *Id.*

28 U.S.C. § 2241(d) allows Gordon to bring a § 2254 habeas petition in either (a) the federal district court for the district in which he is in custody (the Middle District of Alabama, where Easterling Correctional Facility is located), or (b) the federal district court for the district in which the state court that convicted and sentenced him was held (the Southern District of Alabama, where the Circuit Court of Choctaw County is located). Section 2241(d) further provides that this Court, "in the exercise of its discretion and in furtherance of justice," may transfer a petitioner's § 2254 petition to "the district court for

the district within which the State court was held which convicted and sentenced [the petitioner]."

The matters complained of by Gordon stem from his conviction and sentence entered by the Circuit Court of Choctaw County. The records and witnesses relating to these matters are likely to be located in Choctaw County. Therefore, the Court finds that the furtherance of justice and judicial economy will be best served by transferring this case to the United States District Court for the Southern District of Alabama for review and disposition.

Accordingly, the undersigned Magistrate Judge RECOMMENDS that this case be TRANSFERRED to the United States District Court for the Southern District of Alabama under 28 U.S.C. § 2241(d).

It is further ORDERED that, on or before **September 28, 2023**, the parties may file objections to this Recommendation. The parties must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made. Frivolous, conclusive, or general objections will not be considered. The parties are advised that this Recommendation is not a final order and, therefore, is not appealable.

Failure to file written objections to the Magistrate Judge's findings and recommendations in accordance with 28 U.S.C. § 636(b)(1) will bar a party from a de novo determination by the District Court of legal and factual issues covered in the Recommendation and waive the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except on grounds of plain error or manifest injustice. *Nettles v.*

Wainwright, 677 F.2d 404 (5th Cir. 1982); 11th Cir. R. 3-1. See Stein v. Reynolds Sec., Inc., 667 F.2d 33 (11th Cir. 1982); see also Bonner v. City of Prichard, Ala., 661 F.2d 1206 (11th Cir. 1981) (en banc).

DONE this 14th day of September, 2023.

/s/ Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE